

Town of Lamoine

Application for Variance or Appeal to the Board of Appeals

Name of Appellant CAROL MASON & MARK HARRIS

Mailing Address 1547 Winding Willow Drive

*cm_mason@msn.com
details4steve@gmail.com*

City or Town TRINITY FL 34655

Telephone (Home) 727-375-7429 (Work) Cell 727-574-2636

Name(s) of Property Owner CAROL MASON

The undersigned requests that the Board of Appeals consider one of the following:

☒ 1. An Administrative Appeal. Relief from the decision, or lack of decision, of the Code Enforcement Officer or Planning Board in regard to an application for a permit. The undersigned believes that (check one):

☐ an error was made in the denial of the permit

☐ the denial of the permit was based on a misinterpretation of the ordinance

☐ there has been a failure to approve or deny the permit within a reasonable period of time

☒ other The proposed addition is no closer to the road than the existing structure/home, which was approved by the Planning Board in 2003.

Please explain in more detail the fact surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case.

☒ 2. A Variance.

a. Nature of Variance: Describe generally the nature of the variance.

In addition, a sketch plan of the property must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings, or alterations, and any natural or topographic peculiarities of the lot in question.

b. Justification of Variance: In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the zoning ordinance would cause undue hardship. There are four criteria which must be met before the BOA can find that a hardship exists. Please explain how your situation meets each of these criteria listed below:

1. The land in question cannot yield a reasonable return unless the variance is granted.

See attached

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.

See attached

3. The granting of a variance will not alter the essential character of the locality.

See attached

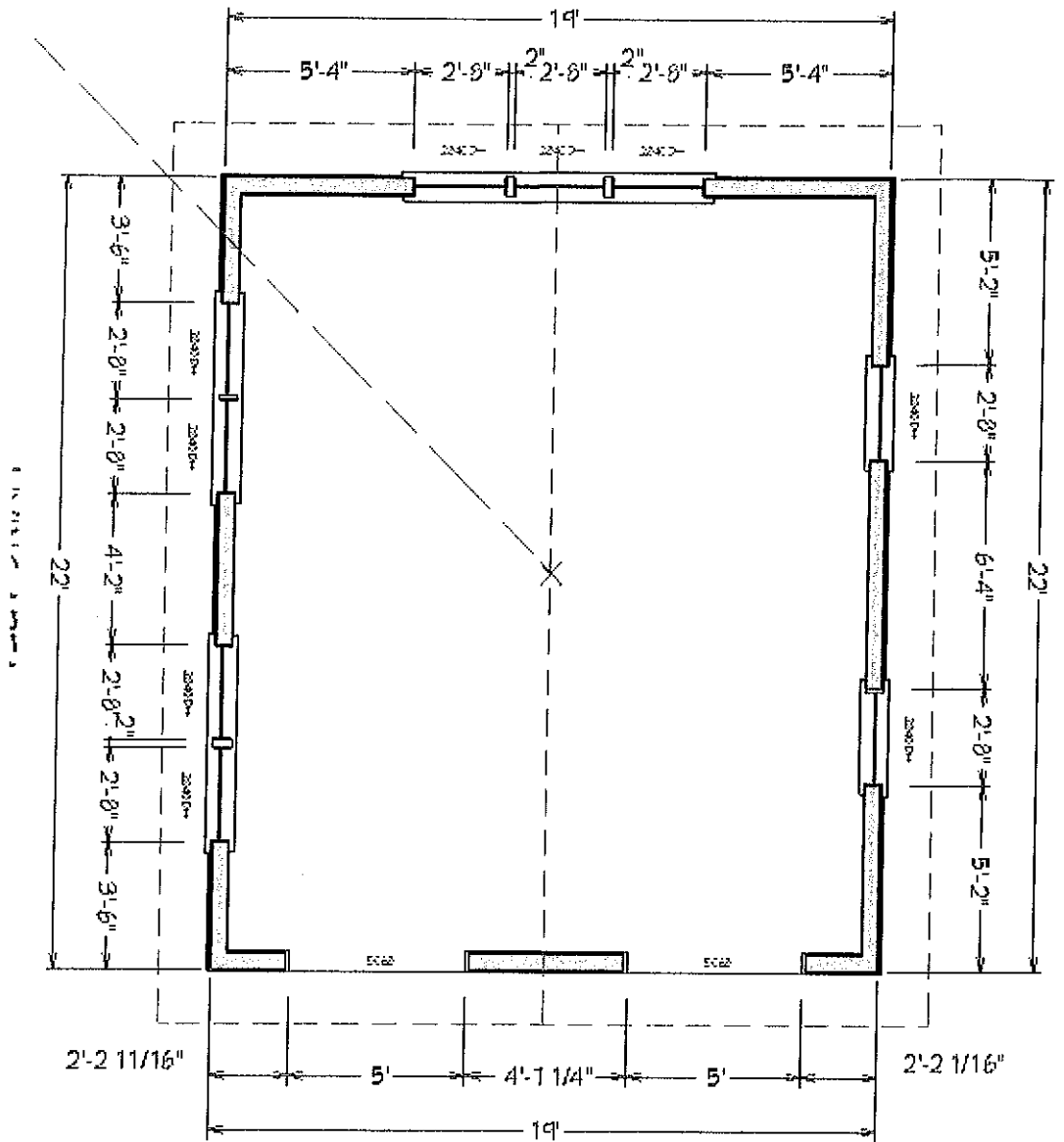
4. The hardship is not the result of action taken by the appellant or a prior owner.

See Attached

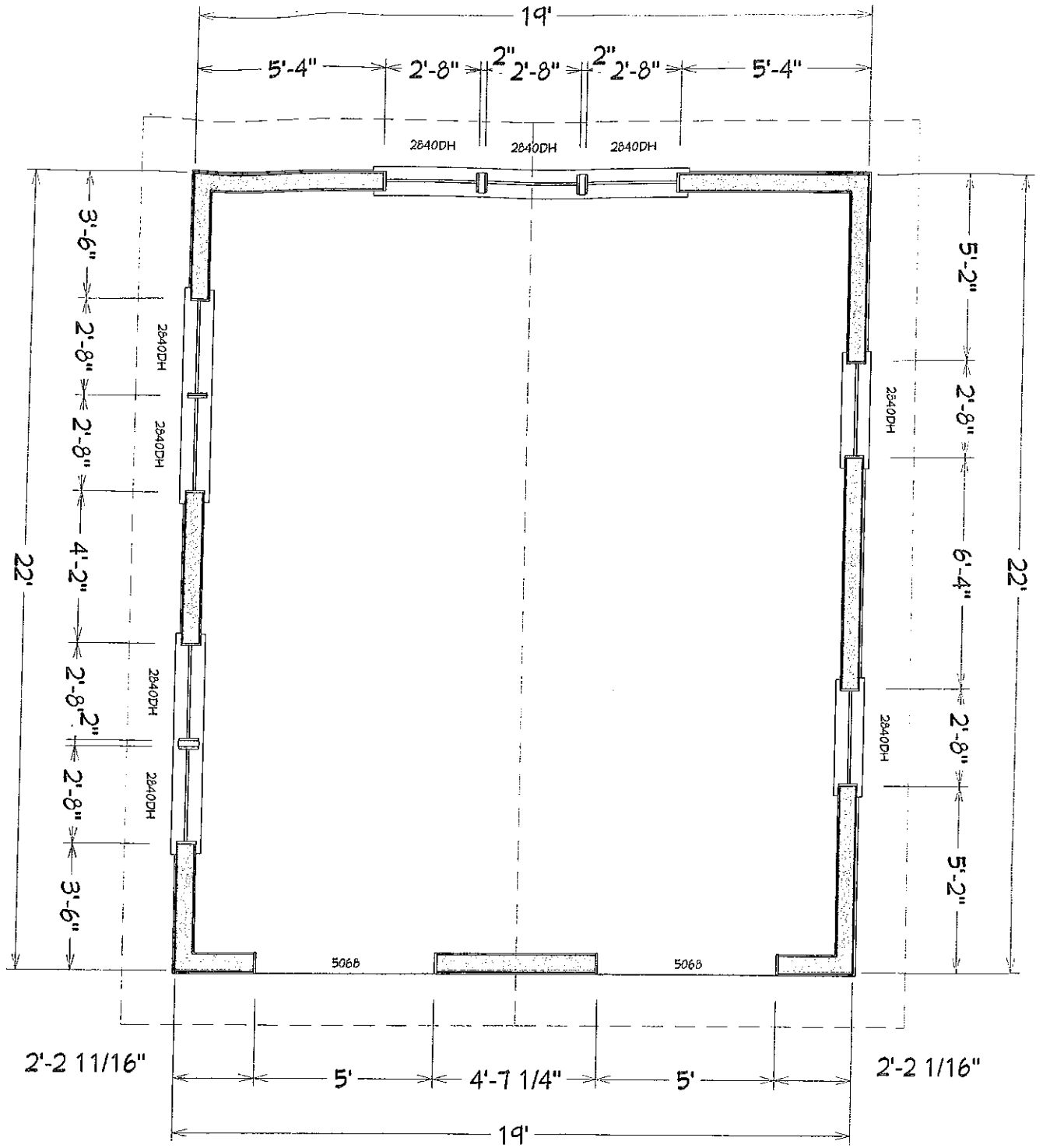
I certify that the information contained in this application and its supplement is true and correct.

Date: *Carol Mason*
(Appellant's Signature)

Note to Appellant: This form should be returned to the Chairman of the Board of Appeals. You will be notified of the date, time and location of the hearing on your appeal.



LIVING AREA
418 sq ft





*Town of Lamoine
Edward "Rick" Gallegos, Code Enforcement Officer
Michael Jordan, Plumbing Inspector
606 Douglas Hwy
Lamoine, ME 04605*

(207) 667-2242

DENIAL OF CONSTRUCTION PERMIT

**Ms. Carol Mason
1574 Winding Willow Dr
Trinity, FL 34655**

Re: Map 16 Lot 3 (131 Marlboro Beach Road)

Dear Ms. Mason,

After review of your permit application signed October 27, 2016 I must deny granting of a construction permit for the following reasons:

1. The propose project does not meet the setback required in the Building and Land Use Ordinance, Section 4 (l) – I found the setback for the proposed addition is less than 50-feet from the edge of the Marlboro Beach Road Right of Way.

I have enclosed two pages from the above referenced ordinance regarding setback from the road.

Under Section of the Building and Land Use Ordinance this decision may be appealed to the Lamoine Board of Appeals within 30-days of the date of this decision, which is November 30, 2016.

Sincerely,

Edward "Rick" Gallegos
Code Enforcement Officer

erg:sem
cc: file



Town of Lamoine Construction Application

This section to be completed by Code Enforcement Officer

Map 16 Lot 3 Zone _____ Shoreland Zone _____ Flood Zone _____

Fee Calculation _____ Date Received 11.28.16 Permit Number _____

☒ Building Permit ☐ Shoreland Permit ☐ Floodplain Hazard Permit

The undersigned applies for a construction permit for the uses indicated below. Said permit is to be considered on the basis of the information contained within this application. Any Federal, State or Local statutes, or regulations shall be applicable and their compliance necessary to obtain a permit. The permit will be issued to the owner of record or properly designated agent. Incomplete applications will NOT be processed.

Section I – Owner, Applicant & Contractor Information

| Owner | | Applicant | Contractor |
|-----------------|---------------------------|-------------|------------|
| Name | CAROL MASON | CAROL MASON | |
| Mailing Address | 1547 Winding Willow Drive | | |
| City, St. Zip | TRINITY, FL 34655 | | |
| Home Phone | 727-325-7429 | | |
| Work Phone | | | |
| Cell Phone | 727-514-2636 | | |
| Email | cm-mason@msn.com | | |

LOCAL # 207-667-3138 131 MARLBORO BEACH RD

Section II – Lot Information

Existing Property Use Residential Lot Size (acres or square feet) _____

Physical Address of property (road name & number) 131 MARLBORO BEACH RD. LAMOINE, ME
667-3138

Please Answer all questions below

| | Yes* | No |
|--|------|-------------------------------------|
| Are Current Uses non-conforming? | | <input checked="" type="checkbox"/> |
| Are State or Federal Permits Required? | | <input checked="" type="checkbox"/> |
| Is State or Federal Funding provided? | | <input checked="" type="checkbox"/> |
| Is lot created by division from another Lot in the past 5 years? | | <input checked="" type="checkbox"/> |

*If yes, attach explanation to application

Facilities Info (check all that apply)

| | |
|--------------------------------|--|
| Well | |
| Cold Spring Water Co Customer? | |
| Septic System Permit # | |
| Subdivision name & Lot # | |

Section III – Proposed Construction Activity

(Check All That Apply, fill in dimensional information) *Provide RV, Mobile Home Information requested on Page 3

| Residential Uses | #Stories | Sq. Ft. | Total Sq. Ft. | SSWD # | Int Plumb # | Accessory Uses | Sq Ft |
|--|----------|---------|---------------|--------|-------------|------------------|-------|
| <input type="checkbox"/> New Dwelling Unit | | | | | | Garage/Shed/Barn | |
| <input type="checkbox"/> Manufactured Home | | | | | | Deck | |
| <input type="checkbox"/> Mobile Home* | | | | | | Shore Access | |
| <input type="checkbox"/> Change of Use | | | | | | | |
| <input checked="" type="checkbox"/> Expansion | | | | | | | |
| <input type="checkbox"/> Recreational Vehicle* | | | | | | | |

Other Activity: (Please describe in space below)

Section IV – Demographic & Assessment InformationFor new dwelling units only – N/A

- Estimated Construction Costs \$ _____
- Number of Bedrooms _____
- # Full Time Residents _____ # Part Time Residents _____ # Children under 18 0
- List any in-home occupations proposed NONE

Section V – Important Dates

Starting Date: _____ Estimated Completion Date _____

Section VI – Shoreland Zoning (if applicable) N/A

Affected Waterbody _____ Distance from normal high water _____ feet.

Is clearing of trees and other vegetation required? ____ Yes ____ No (if yes, attach explanation)

Is earth moving activity greater than 10CY? ____ Yes ____ No (If yes, DEP Permit required)

Is setback less than 125 feet from high water mark? ____ Yes ____ No

If yes, please attach certification from a licensed surveyor that the 100-foot setback and elevation have been staked.

Section VII – Flood Zone InformationIs the proposed development located within a Flood Hazard Area? ____ Yes ☒ No

If Yes, complete the information below

- | | |
|---|-------------------------------|
| 1. Filling <u>100</u> cubic yards of fill | 9. Residential Structure |
| 2. Excavation <u>30</u> cubic yards removed | 10. Non-residential Structure |
| 3. Paving _____ square yards paved | 11. Water Dependent Use |
| 4. Drilling _____ | A. Dock Dimensions _____ |
| 5. Mining _____ acres mined | B. Pier Dimensions _____ |
| 6. Dredging _____ cubic yards dredged | C. Boat Ramp Dimensions _____ |
| 7. Levee _____ cubic yards in levee | 12. Floodproofing _____ |
| 8. Dam _____ acres of water surface | 13. Other (explain) _____ |

Flood Zone (check one) A&AE Floodway V&VE ZO AH

Elevation of lowest floor (NGVD) for all structures: _____

Grade elevation at lowest grade adjacent to the existing or proposed wall: _____ (NGVD)

Distance in feet of confluence or Corporate limit _____ feet

If in Flood Zone AE or A1-A30, Nearest Cross Section References

Above Site _____ Below Site _____

Elevation of Base Flood at Nearest Cross Section

Above Site _____ Below Site _____

If "A" Zone: Base Flood Elevation _____

Basis of "A" Zone BFE determination _____

If in "VE" Nearest Transect Above site _____ Below Site _____

Provide a statement describing how each applicable development standard (set forth in ARTICLE VI of the Flood Hazard Development Ordinance) will be met. If a water course is to be altered or relocated, describe in detail and provide copies of all applicable state and federal permits. Include certification from a licensed surveyor that the proposed project is located outside of the 100-year floodplain.

Name of Surveyor/Architect/Engineer _____ License # _____

Section VIII – Additional Information or Attachments Required

- If property is not currently assessed to listed owner, please attach record of ownership
- If applicant is signing, please attached signed permission from owner to make application
- Attach any state or federal permits required
- If a dwelling unit, attach 3 copies of HHE200 form and applicable internal plumbing permit applications
- If driveway opens on public road, attach Lamoine Road Opening Permit Application, or MDOT approved road opening permit
- For Shoreland Zone applications with less than 125' setback, attach certification from registered surveyor that markers are placed to establish the 100-foot setback & elevation from the normal high water mark.
- Please supply all information requested on pages 5 and 6 or attach plans with required information.

Section IX – Signature

Signature by the applicant indicates an awareness of the requirements of the Lamoine Building and Land Use Codes, the Lamoine Shoreland Zoning Ordinance, and the Floodplain Hazard Development Ordinance for the Town of Lamoine. Submission of this application constitutes an application for a Certificate of Occupancy. **A Certificate of Occupancy must be obtained before the structure hereby permitted is used!** **BUILDING PROJECTS MUST MAKE SUBSTANTIAL START WITHIN ONE YEAR OF APPROVAL AND SUBSTANTIAL COMPLETION WITHIN TWO YEARS. SHORELAND PERMITS EXPIRE IN ONE YEAR.**

For those lands which fall within the Lamoine Shoreland Zoning area, a signature on this application indicates that the applicant has read the current Shoreland Zoning Ordinance and agrees to comply with all its requirements if a permit is issued.

For new structures or substantial improvements within the Flood Hazard Area, an approved permit will allow construction up to the establishment of the lowest floor. At that point, the applicant must provide an elevation certificate establishing actual floor elevation. Upon satisfactory documentation to the community (CEO), the construction may continue. The applicant understands and agrees that:

- ⇒ the permit applied for, if granted, is issued on the representations made herein;
- ⇒ that any permit issued may be revoked because of any breach of representation;
- ⇒ that once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- ⇒ any permit issued on this application will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the Town of Lamoine
- ⇒ The applicant hereby gives consent to the Code Enforcement Officer or designated Town Official to enter and inspect activity covered under the provisions of the Floodplain Management Ordinance
- ⇒ If issued, the permit will be posted in a conspicuous place on the premises in plain view and;
- ⇒ If issued, the permit will expire if no work is commenced within 90 days of issuance (flood hazard only)

I hereby certify that all the statements in, and the attachments to this application are a true description of the existing property and the proposed development project.

Carol Mason
Signature

October 27, 2016
Date

Application Fees:

| | Residential Building | Commercial* Building | Shoreland | |
|---------------------------|-----------------------------|-----------------------------|------------------|-----------|
| Non-roofed | .05/sq. ft. | .10/sq. ft. | Non commercial | .10/sq ft |
| Roofed | .10/sq. ft./floor | .20/sq. ft./floor | Commercial | .20/sq ft |
| <100 sq. ft. | No charge | No charge | <100 sq ft | \$10.00 |
| Home Occupations: \$10.00 | | | | |

*Included Commercial, Industrial, Multi-Family. See Site Plan Review Ordinance, Subdivision sections for additional fees.

For Use by the Code Enforcement Officer Only

Application Number _____ Date Received _____

Fees Collected: Building Permit \$ _____
 SZO Permit \$ _____
 Flood Hazard \$ _____
 Total \$ _____ Receipt # _____

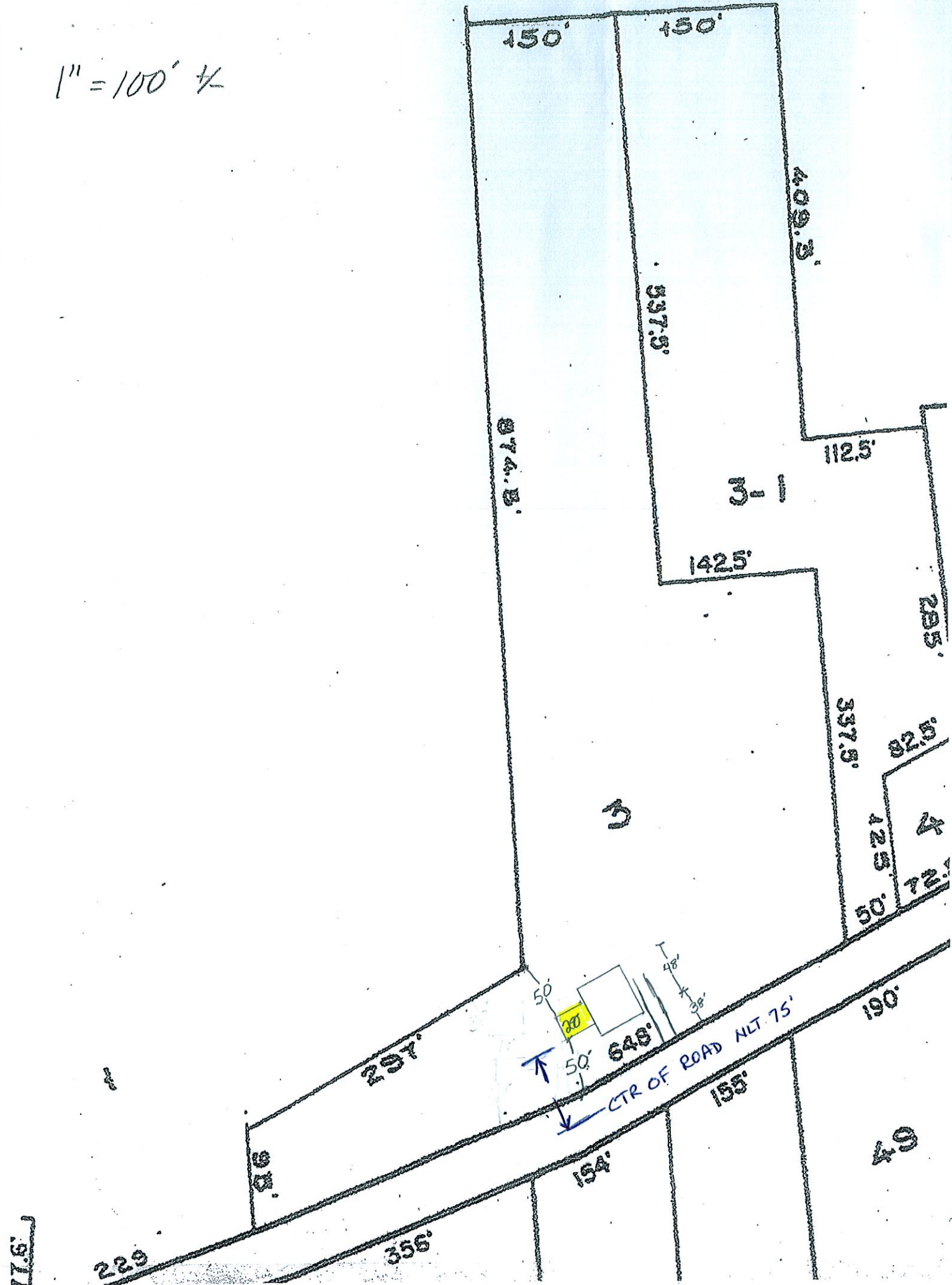
Action Taken: Rich Gallegos _____
 Signature Date

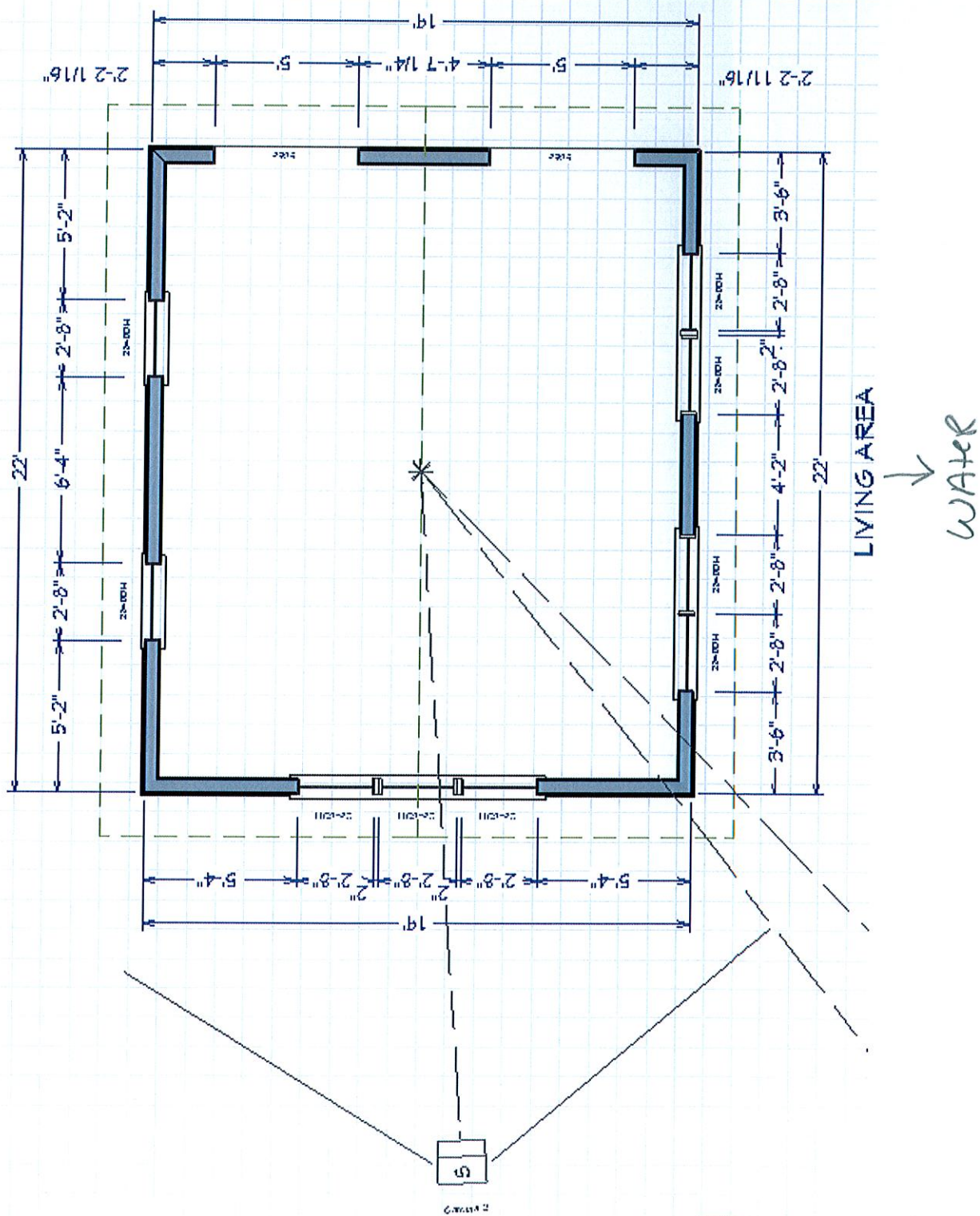
- ☐ Approved Building Permit SSWD Permit # _____
☐ Approved Shoreland Permit DEP Permit # _____
☐ Approved Flood Hazard Permit Internal Plumbing Permit # _____
☒ Denied Permits (explain below) Other Permits (List)
☐ Routed to Planning Board
☐ Routed to Appeals Board

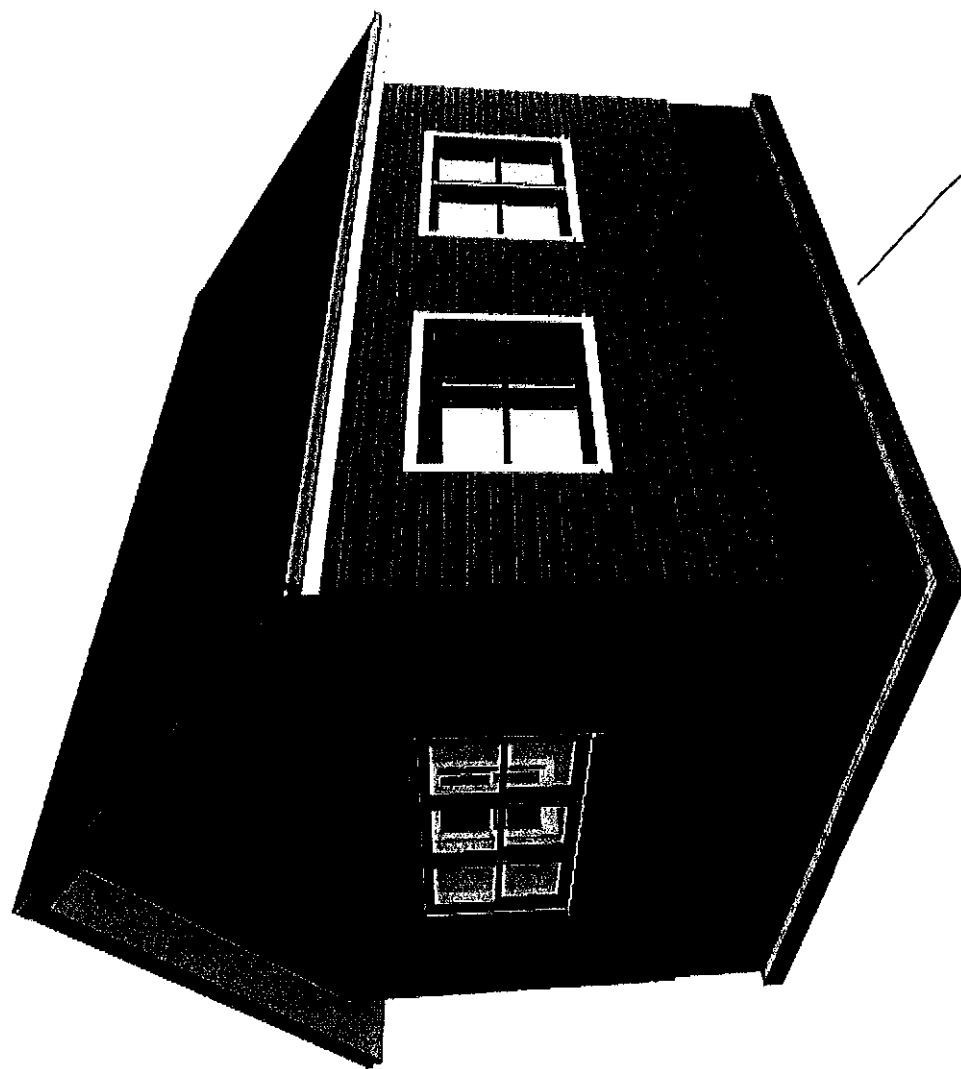
Comments The proposed addition is too close to the road, it does not have the needed setback requirements.

| Planning Board Action | Appeals Board Action |
|---|---|
| Date Received _____ | Date Received _____ |
| Public Hearing Date _____ | Public Hearing Date _____ |
| Notices Mailed by: _____ | Notices Mailed by: _____ |
| Action Date: _____ | Action Date: _____ |
| Action Taken <input type="checkbox"/> Approved <input type="checkbox"/> Denied | Action Taken <input type="checkbox"/> Approved <input type="checkbox"/> Denied |
| Denial Reasons or Conditions | Denial Reasons or Conditions |
| _____, Chair/Secretary Signature | _____, Chair/Secretary Signature |

1" = 100' 1/2







Section



water